



**AGENDA**  
**PLANNING & ZONING COMMISSION**  
**JUNE 24, 2024**  
**COMMISSION ROOM**  
**MANDAN CITY HALL**  
**5:30 PM**  
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*The City of Mandan is encouraging citizens to provide their comments for agenda items via email to [info@cityofmandan.com](mailto:info@cityofmandan.com). Please provide your comments before 3:30 p.m. on the day of the meeting. Include the agenda item number your comment references. Comments will be forwarded to the Commissioners and appropriate departments.*

**A. ROLL CALL**

**B. CONSIDER APPROVAL OF MINUTES**

1. May 29, 2024 Minutes

**C. PUBLIC HEARINGS**

1. **Consider Final Plat for Longhorn 3rd Addition**

*Staff Recommendation: Planning staff recommends approval of the final plat of Longhorn 3rd Addition*

**D. OTHER BUSINESS**

1. Update on Zoning Study - Chapter 109 + Landscaping

**E. ADJOURN**

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Mandan Planning & Zoning Commission  
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A. ROLL CALL Vice-Chair McLean called the meeting to order in the absence of Chair Robinson. Commissioners Present: Leingang, Huber, Mehlhoff, Helbling, McLean, Smith, Hammond, Gardner. Commissioners Absent: Robinson, Horn, Intveld, Buchmiller.

B. CONSIDER APPROVAL OF MINUTES

1. *April 22, 2024 Minutes.* Smith moved and Vayda Hammond seconded to approve. Roll Call vote: Aye 8, Nay 0, Absent Horn, IntVeld, Buchmiller, Robinson. The motion passed.

C. PUBLIC HEARINGS

1. *Consider Preliminary Plat for Longhorn 3rd Addition. STATEMENT/PURPOSE:*  
The Central Dakota Humane Society requested approval of a preliminary plat to be named Longhorn 3rd Addition. Said property is in the extra-territorial jurisdiction and would be a replat of Lot 1, Block 1, Longhorn 2nd Addition. The property is located on Highway 1806 and 37th Street.

**BACKGROUND/ALTERNATIVES**

**Overview Of Request**

The requested preliminary plat aims to adjust access to the property. The applicant, Central Dakota Humane Society (CDHS), plans to expand their operations that requires better access. The previous plat limited access to the current location of aprons and placed non-access lines and easements, directing all Longhorn 2nd traffic to use the existing aprons. Access to the CDHS lot was restricted to an offset location opposite Entzel Drive. The proposed modification would realign the approach to be in line with Entzel Drive, enhancing safety at the intersection by improving sight lines.

**Preliminary Plat**

The property to be re-platted covers 11.69 acres and will be reconfigured into a one-lot, one-block subdivision. It dedicates no new rights-of-way. The section labels indicate the percentage of the property that was previously in Sections 9 and 10, but this does not mean the property is divided into two separate lots. The site is significantly encumbered by overhead electrical transmission infrastructure. The access easement is intended for Lot 1, Block 1, Longhorn 3rd, and Lot 2, Block 1, Longhorn 2nd. A right-of-way for a future arterial road was acquired with the 2020 plat.

**Property History**

Longhorn was originally approved as a residential development. The Humane Society's operations on this property began in 1994. In 2020, the property was rezoned from R7 - Residential to CB - Commercial (Ord. 1336) with restrictions in tandem with a section line vacation, land use and transportation plan amendment, and the approval of the Longhorn 2nd Addition plat.

**Adjacent Properties Zoning, Land Use and Future Land Use**

The property directly to the north lies within Morton County zoning jurisdiction. Properties lying to the west, east and south are A - Agriculture. The Future Land Use Map identifies this property as Commercial, Low Density Residential to the west, open space to the north and west and rural residential to the north and south.

**Additional Information and Public Outreach**

- An application and fee of \$450 was received on April 26, 2024.
- Nineteen (19) letters were sent to adjacent property owners.
- Legal notices were published May 17 & 24, 2024.

## **Findings of Fact**

### **Preliminary Plat**

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision would likely not have substantial effects on the safety and circulation of public roadways in the vicinity, and therefore no traffic impact study is required;
3. The proposed plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision;
4. The City of Mandan and other agencies would be able to provide necessary public services, facilities, and programs to serve the development allowed by the proposed subdivision at the time of development, without improvements to City Sanitary Sewer that if not made, prevent the development from moving forward;
5. Portions of the subdivision are in the Special Flood Hazard Area, however the subdivision is proposed to be developed according to the existing ordinance requirements pertaining to Floodplain Development and therefore, the proposed development should not adversely impact water quality and/or environmentally sensitive lands, or areas that are topographically unsuited for development,
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed subdivision is consistent with the Comprehensive Plan, the Future Land Use Plan, and other plans and studies, policies, and accepted planning practice;
8. The proposed subdivision would not adversely affect the public health, safety and general welfare.

### **Staff Comments**

- Staff began working on this project in 2022. The city has approved the adjustment to the site access and it has been vetted by the Engineering Department. The plat will adjust the access. The access easement serving Lot 2, Block 1, Longhorn 2nd, is adjusted slightly to extend further west than previously depicted to ensure that it overlaps with the proposed new approach to 37th Street.
- The CDHS Expansion was approved by Mandan Architecture Review Commission.
- Staff requested document numbers for recorded easements to be added to the final plat, if/when they are available.

## **RECOMMENDATION**

Planner Stromme stated that the Planning Department staff recommended approval of the preliminary plat for Longhorn 3rd Addition. Vice-Chair McLean inquired if there were any comments or questions. Vice-Chair McLean inquired if there were any comments or questions, hearing none, the public hearing was opened.

### **Open Public Hearing**

Vice-Chair McLean opened the public hearing and invited anyone calling in or present, to come forward

to speak for or against the request for a preliminary plat to be named Longhorn 3rd Addition. A second invitation was given to come forward to speak for or against the request.

### **Close Public Hearing**

Vice-Chair McLean inquired if there were any comments or questions. Hearing none, this portion of the public hearing was closed.

### **Commission Action**

Vice-Chair McLean inquired if there were any further comments or questions from members of the Planning and Zoning Commission.

Smith moved and Leingang seconded to approve the preliminary plat of Longhorn 3rd Addition. Roll Call vote: Aye 8, Nay 0, Absent Horn, IntVeld, Buchmiller, Robinson. The motion passed.

2. *Consider a special use permit for Lot 1, Block 1, Bridgeview Bay Addition.* . **Staff Report**  
Principal City Planner Stromme presented.

### **STATEMENT/PURPOSE**

Monte & Lynette Gawryuk request consideration of a Special Use Permit for Lot 1, Block 1, Bridgeview Bay Addition. The property is located at 2600 Marina Road Southeast. This matter was previously presented in January; however, a public hearing was not held given the applicant's inability to participate. This property calls for Commercial use.

### **BACKGROUND/ALTERNATIVES**

#### **Project Description**

Monte & Lynette Gawryluk request consideration of a special use permit for Missouri Point Shop Condos, a proposed multi-use shop development in southeast Mandan's Bridgeview Bay area. The property is Lot 1, Block 1, Bridgeview Bay Addition in Section 6, Township 138N, Range 80W, City of Mandan, Morton County, North Dakota, and is located along the Missouri River at the eastern boundary of McKenzie Drive Southeast.

#### **Overview Of Request**

This request would permit for the construction of a 3-structure 22 multi-use shop condos on the property, intended for a combination of owner-occupied commercial and personal use. The proposal includes three (3) structures, each containing between six (6) and eight (8) units.

#### **Property History**

Pursuant to the city records, the property has not been developed in the past, despite the surrounding properties being developed as early as the 1970s to the 1980s. The most recent re-platting occurred in 2004, and it has been in the CB – Commercial district zoning since 2000 (Ord. 909). A previous attempt to develop this property with a mixed-use condominium building stalled in the mid-2010s. That project was then supported by the City of Mandan.

#### **Special Use Permit**

Multi-use shops are not a zoning entitlement on any property in Mandan. Since 2019, each development has required special use permits for multi-use shop developments. These permits are designed to assess

potential impacts from proposed developments by considering factors such as traffic, usage patterns, architectural design, adherence to existing plans and studies, and other relevant considerations. The applicant has provided an overview of the intended development and responses to standard questions related to special use permits as shown in Exhibit 2. A detailed breakdown of the review process for this development can be found in Exhibit 6. The proposed development includes a central drive lane flanked by two (2) east-to-west oriented buildings, with an additional building situated at the eastern end of the lot, along the Missouri River bank. The condominium units, each measuring approximately 50 ft. x 25 ft., will have a height of approximately 28 ft. to 30 ft. At this point it is unknown if the lot will be raised to improve drainage. This may result in the appearance of the building being taller than rendered.

### **Adjacent Properties Zoning, Land Use and Future Land Use**

Adjacent properties to the north are zoned RM – Residential and CB – Commercial and consist of a marina and restaurant. To the west the property is a CB – Commercial zoned marine sales dealership and to the southwest an RM – Residential zoned multifamily residential development. To the south, there are single-family homes zoned R7 – Residential. The property is immediately on the west bank of the Missouri River. The future land use plan supports commercial uses on the property.

### **Additional Information and Public Outreach**

- An application and fee of \$450 was received on December 27, 2023.
- Ten (10) letters were sent to adjacent property owners. Two (2) letters were received from property owners in support of the project and one (1) letter was received in opposition; those letters were provided to committee members. Copies are available upon request.
- Legal notice was published on May 17, 2024.

### **Staff Comments**

- The proposed development represents a change from the neighborhood's existing character and does not align with the goals of the City's Land Use Plan. For each of these reasons city staff is recommending denial. In any event, should the Planning and Zoning Commission not accept this recommendation and elect to approve, it should restrict all uses in the building so that none may be owned or used for storage and personal recreation (man caves, etc.) as the Land Use Plan is unsupportive of developing storage and non-commercial uses in commercial zones.
- Initial findings from the City's Zoning Ordinance audit highlight some concerns about issuing special use permits for multi-use shops in commercial zones, a practice less common in similar communities.
- The development does not fully meet the buffering and screening requirements outlined in the Gateway to Mandan zoning overlay, which calls for a six-point buffer standard. Currently, only three-points of buffering exist. The applicant has suggested using the open space of an adjoining property owner to meet the requirement, but staff believes this approach is not ideal. It is important that each landowner maintains the ability to develop their property according to the same Code of Ordinances. Multi-use shop developments require a thorough review process.
- The development's schematic does not comply with the impervious surface setback required for Gateway properties into Mandan.
- The McKenzie Drive SE and Bismarck Expressway interchange is anticipated to experience increased traffic and visibility, which aligns with the City's future Land Use Plan for commercial areas with good access to major roads. This indicates that the property could potentially be developed in a way that provides greater benefits to the region's residents, as highlighted in the City's Land Use Plan.
- This topic has been a significant focus in both the Mandan and Bismarck zoning ordinance studies. The trend of

multi-use shops emerged around the same time as the adoption of the land use plan, which does not speak to the development of them. City staff is concerned about the rapid growth of this trend without comprehensive planning to determine the community's interest in these establishments.

- The proposed development may also be influenced by Corps of Engineers easements along the Missouri River, which could impact building placement.
- City staff underscores the importance of pre-application meetings to address project goals and concerns early on. Unfortunately, no such meeting took place for this project, which has hindered the resolution of some issues at an early stage.

## **RECOMMENDATION**

Based on the findings presented in the special use permit evaluation Exhibit 5, along with the project's failure to comply with the City's Land Use Plan, and other issues outlined in this report, the Planning Department staff recommended denial of the request.

Vice-Chair McLean inquired if there were any comments or questions for Planner Stromme. He stated that two (2) renderings were available for review.

Commissioner Huber requested clarification of the six-points as compared to the three-point buffering standard. Planner Stromme explained when there is development in the Gateway and there are two uses viewed by the ordinance that is not complimentary and it classifies them on a one-to-seven-point system as single-family, and to develop seven by one there needs to be six points of buffer in between. A point of buffer can be accomplished with one row of conifers; two rows is two points of buffer; and the opaque signs they are showing would be the third point. They are requesting to use open space on the adjoining property owner's property to count as the remaining points. Given the special use proposal and that being someone else's property that does not qualify as the city's appearance to permit that kind of encumbrance of someone else's land to permit a development to move forward. The land use that requires the buffer should be the property that accounts for the buffer(s) on it. That would be for the portion that borders the R-7 property as shown on the exhibit. Planner Stromme stated there are concerns with that in the long term and how that affects a property as a buffer.

Vice-Chair McLean inquired if there were any comments or questions, hearing none, the public hearing was opened.

## **Open Public Hearing**

Vice-Chair McLean opened the public hearing and invited anyone calling in or present, to come forward to speak for or against the request for a Special Use Permit for Lot 1, Block 1, Bridgeview Bay Addition.

Wade Vogel came forward and stated he is representing Monte & Lynette Gawryluk and he has been working on this project since December 2023 when the Garwryluk's purchased the project from previous owners with plans to develop something with this parcel of land. They attended the pre-planning meeting on this and several modifications have been made to the original plans and it is discouraging to learn that what has been done has been moot. There were no comments received at the second pre-planning meeting. He said that the Gawryluk's have been in contact with several neighbors and property owners and with Moritz asking if there are any concerns or thoughts and the feedback was that the plans were a good fit. The neighbors to the south voiced concern they don't want a bar or restaurant in that location due to noise and increased traffic. At the recommendation of the city, changes were made to zone the property as commercial-flex space (new term). Bismarck allows that type of zoning projects with the

zoning on 83 North and they are all sold out. Mandan has commercial flex space and there are people who need and do want spaces such as that. He inquired if this space is not allowed to be used as proposed, he inquired as to what would be ideal for that space that has sat vacant forever? What has been proposed would be a nice addition; the neighbors agree that it is a nice addition that would clean up that area and he reported that he has received several phone calls from residents stating there is a need for this in this area. About the six-points of buffer, he said he has read it and he's driven the areas presented where the ordinance is to be utilized and he cannot find another area in Mandan that is being utilized. Six points of buffer on this particular lot would make the lot useless if a fence or berm were to be added, rows of trees or shrubs stating that the lot is not wide enough to support that. A couple rows of trees and a fence with minimal lighting along the back side. Memorial Highway, McKenzie Drive, 40th Avenue Southeast from Memorial Hwy to McKenzie and 46th Avenue Southeast have a lot of new construction in that area since this Ordinance was written. He does not believe it has been enforced in any of these areas. He is requesting the same type of leniency for this area that is being proposed.

Commissioner Smith stated he has questions regarding the plat and the setbacks. On the east Missouri River side, the survey plat shows a 10 ft. rear setback. Where is that boundary line located at the riffraff?

Mr. Vogel stated that it is not actually at the riffraff. Swensen Hagan has worked on this and have not completed the final survey. It appears to be about 10 ft. inside so if you drive down on that lot there is a cut because the previous owners brought in fill that was full of trees and they took all the trees out spent a lot of money to assure that lot would be buildable. There is a cut and then it comes upwards and that's where they started this project. There is probably about 20 ft. to the riffraff. Commissioner Smith inquired if the Morton County Water Resource easement is affected. In 2016 that was amended wherein the overall footprint was reduced but there is currently an easement in effect for 12,700 sq. ft. on this lot and, the Corp has some interest in that easement area as well. Where is that easement on the survey plat and is that going to delay this project? Mr. Vogel replied that he is not aware if that will cause delay but he will review it with the engineers. Commissioner Smith inquired how this project will be managed such as will there be Bylaws, similar to that as a condo association has in place? Mr. Vogel replied that they have drawn up the condo declaration from Missouri Landing Association wherein snow removal, landscaping, mowing and exterior land maintenance, etc., will be taken care of.

A second and third invitation was given to come forward to speak for or against the request.

### **Close Public Hearing**

Vice-Chair McLean inquired if there were any comments or questions. Hearing none, this portion of the public hearing was closed.

### **Commission Action**

Vice-Chair McLean inquired if there were any further comments or questions from members of the Planning and Zoning Commission.

Commissioner Smith stated that when this was initially presented to the P & Z Committee, he was not in favor of having shop condos on river front property; however, when looking at the changes that have been made to those initial plans and considering what has been presented now, it appears to be a residential condo apartment building that will be facing the river with a commercial store front appearance. He recommended that proper restrictions be in place if this is approved and moves forward.

Mayor Helbling's comments were inaudible.

Commissioner Huber stated that aesthetic changes, however, are not the purview of the P & Z Commission and should be reviewed by the Mandan Architectural Review Committee. If the aesthetics are followed through that might help drive those uses. Her concerns lie with the uses and she gets concerned about the shop condo while the commercial flex space term is better – are there any ways to put restrictions on uses so it's not just wide-open CB? And, limitations on storage without other active commercial use? Planner Stromme stated that he understands that the P & Z Commission can address these questions by stating that there be no storage use could be permitted as part of the CB other non-commercial uses such as mancaves could be restricted as well and just require bona fide tenants utilize the condo units that are not communicated intent of the developers. It would be something they would need to know to continue with the project. He does not think the city with its moratorium on its storage developments realistically state no more self-storage in any form wherein this is a sort of a gap in what that covered so the city did not lean into restrictions as part of it, however, that could be part of the intent of the action. In summary the P & Z Commission could do that as an implementation of the city's use plan which is primarily about how residents are using property and not necessarily what they look like. That is the city's main goal of the use plan on this property is that it is discouraging non-commercial uses. That would be his recommendation if that is what the P & Z Commission wishes to address. To say that it is approved without the storage or the personal recreational use. Commissioner Huber inquired if there would be any concerns about uses being too intensive with CB with this type of property? Planner Stromme stated there has been a lot of requests for zoning of CB in the Lakewood area. There are other codes that restrict intensity so it is not a huge concern such as building and fire codes that could prevent certain uses from the condo shop units.

Mayor Helbling comments inaudible.

Commissioner Huber explained that she asked that question due to @ 15 years ago a very prominent main street building was being used as cold storage and now has upwards of probably \$2 million invested in it and is serving @ 40 people for work purposes. There was a time when the zoning code had to be used and enforced to change that with no storage being allowed on Main Street in that location. As things change hands, it may be something of interest that speaks to the Land Use Plan as commercial in nature. Vice-Chair McLean stated that he is not in favor of hand-tying this property to limitations. If a piece of property is purchased, the landowner should be afforded the opportunity to develop it. As noted by Mayor Helbling, too many restrictions will warrant policing the property and who would take on that responsibility to enforce violations? Rather the city should work with the Declarations of the property for the Association.

Commissioner Smith motioned to approve the Special Use Permit for Lot 1, Block 1, Bridgeview Bay Addition with a recommendation that the record will reflect that the statements of the applicant pertaining to the covenant's restriction of no overnight parking and any other restrictions to be worked out with the City Principal Planner. Commissioner Gardner seconded.

Planner Stromme clarified this motion will approve the Land Use Plan but not the site plan as the buffer is not something the City Planner can administratively approve nor can this Commission administratively waive. The landscaping in front of the building is not something that they can choose not to do because the city has not been consistent in its enforcement of that over the years. If approved, staff will continue to pursue a six-point buffer or advise how to get around that zoning variance but that is not what is being

considered tonight, rather it is approving the Use Permit and a Special Use Permit cannot be approved while ignoring the code issues that are not addressed with the site plan. There are still items that need to be worked on and for the record, he said that he will make sure these items are addressed. This is a Special Use and it should not be considered because “someone got away with something.” In summary, the Ordinance details will have to be worked out between the city and the land owners or they will have to come back for a variance.

Smith moved and Gardner seconded to approve. Roll Call vote: Aye 7, Nay 1 Victoria Vayda Hammond, Absent Horn, IntVeld, Buchmiller, Robinson. The motion passed.

D. OTHER BUSINESS

1. *Code Study Update.* **Code Study Update:**

Planner Strommer reported that the issues with the new software have been work in progress. He provided the following updates:

- Project started in the fall of 2023
- The Best Practices Summary has been completed and a formal group has been formed
- A survey was distributed and over 500 responses were received
- The Order of Operations is being reviewed by staff; then will go to the working group; then brought to this Committee
- Discussions will occur with the Park District for dedications including building permits; developer subdivisions and future proposal will include that the homebuyer will have responsibility for the park dedication fee
- New development and park developments will be part of the planning going forward
- Also reviewed will be removing landscaping ordinances
- Next steps will be presenting feedback to consultants and endorsements by MPO
- Re-reviews by this Commission and more public engagement events this summer
- The plan is to have draft Ordinances ready by the June 2024 meeting for review
- No major concerns and has been a bigger project than originally anticipated

E. ADJOURN Vayda Hammond moved and Gardner seconded to adjourn . Roll Call vote: Aye 8, Nay 0, Absent Horn, IntVeld, Buchmiller, Robinson. The motion passed. The meeting adjourns at 6:25 p.m.



## Planning & Zoning Commission

### Agenda Documentation

**MEETING DATE:** June 24, 2024  
**PREPARATION DATE:** June 17, 2024  
**SUBMITTING DEPARTMENT:** Planning  
**DEPARTMENT DIRECTOR:** Andrew Stromme  
**PRESENTER:** Andrew Stromme, City Planner  
**SUBJECT:** Consider Final Plat of Longhorn 3rd Addition.

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#### **STATEMENT/PURPOSE:**

The Central Dakota Humane Society is requesting approval of a final plat to be named Longhorn 3rd Addition. Said property is located in the extra-territorial jurisdiction and would be a replat of Lot 1, Block 1, Longhorn 2nd Addition.

#### **BACKGROUND/ALTERNATIVES:**

##### **Overview Of Request**

The requested final plat aims to adjust access to the property. The applicant, Central Dakota Humane Society (CDHS), plans to expand their operations and requires better access. The previous plat limited access to the current location of aprons and placed non-access lines and easements, directing all Longhorn 2nd traffic to use the existing aprons. Access to the CDHS lot was restricted to an offset location opposite of Entzel Drive. The proposed modification would realign the approach to be in line with Entzel Drive, enhancing safety at the intersection by improving sight lines.

##### **Final Plat**

The property to be replatted covers 11.69 acres and will be reconfigured into a one-lot, one-block subdivision. It dedicates no new rights-of-way. The section labels indicate the percentage of the property that was previously in Sections 9 and 10, but this does not mean the property is divided into two separate lots. The site is significantly encumbered by overhead electrical transmission infrastructure. Additionally, the access easement is intended for Lot 1, Block 1, Longhorn 3rd, and Lot 2, Block 1, Longhorn 2nd. Right-of-way for 37th Street to be a future arterial road was acquired with the 2020 plat.

##### **Property History**

Longhorn was originally approved as a residential development. The Humane Society's operations on this property began in 1994. In 2020, the property was rezoned from R7 - Residential to CB - Commercial (Ord. 1336) with restrictions in tandem with a section

line vacation, land use and transportation plan amendment, and the approval of the Longhorn 2nd Addition plat.

### **Adjacent Properties Zoning, Land Use and Future Land Use**

Property directly to the north lies within Morton County zoning jurisdiction. Properties lying to the west, east and south are A - Agriculture. The Future Land Use Map identifies this property as Commercial, Low Density Residential to the west, open space to the north and west and rural residential to the north and south.

### **Additional Information and Public Outreach**

- An application and fee of \$450 was received on May 23.
- The preliminary plat was before this board on May 29.
- The preliminary plat was approved at City Commission on June 18.

### **Findings of Fact Final Plat**

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was approved by the Planning and Zoning Commission;
3. The proposed subdivision generally demonstrates an ability for the property to align with the Future Land Use Plan and other plans and studies;
4. The proposed subdivision is not located in the Special Flood Hazard Area or an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or areas that are topographically unsuited for development;
5. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
6. The proposed subdivision is generally consistent with the master plan, other adopted plans, policies and accepted planning practice; and
7. The proposed subdivision would not adversely affect the public health, safety, and general welfare.

### **Staff Comments**

- Staff began working on this project in 2022. The City has approved the adjustment to the site access and it has been vetted by Engineering. The plat is what will actually adjust the access. The access easement serving Lot 2, Block 1, Longhorn 2nd, is adjusted slightly to extend further west than previously depicted to ensure that it overlaps with the proposed new approach to 37th Street
- The CDHS Expansion was approved by Mandan Architecture Review Commission.
- Staff requests document numbers for recorded easements be added to the final plat,

if/when they are available.

**ATTACHMENTS:**

1. Application
2. Longhorn 3rd Addition Final Plat
3. Images
4. Longhorn 3rd Location Map

**FISCAL IMPACT:**

N/A

**STAFF IMPACT:**

N/A

**LEGAL REVIEW:**

This item has been reviewed as part of the agenda packet

**RECOMMENDATION:**

Planning staff recommends approval of the final plat of Longhorn 3rd Addition

**SUGGESTED MOTION:**

I move to approve the final plat of Longhorn 3rd Addition

| CITY OF MANDAN                                                                       |                                                                                                |                                                            |
|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| Development Review Application                                                       |                                                                                                |                                                            |
| <input type="checkbox"/>                                                             | Minor Plat (\$300)                                                                             | Zone Change (\$600)                                        |
| <input type="checkbox"/>                                                             | Preliminary Plat up to 20 acres (\$450)                                                        | Planned Unit Development (\$700)                           |
| <input type="checkbox"/>                                                             | Preliminary Plat more than 20 acres (\$500)                                                    | Land Use and Transportation Plan Amendment (\$1,000)       |
| X                                                                                    | Final Plat up to 20 lots (\$450)                                                               | Vacation (\$500)                                           |
| <input type="checkbox"/>                                                             | Final Plat 21 to 40 lots (\$600)                                                               | Variance (\$400)                                           |
| <input type="checkbox"/>                                                             | Final Plat more than 40 lots (\$750)                                                           | Special Use Permit (\$450)                                 |
| <input type="checkbox"/>                                                             | Annexation (\$450)                                                                             | Stormwater submittal (\$300)                               |
| <input type="checkbox"/>                                                             | Masterplanned Subdivision (not accepted without preliminary plat) (\$250)                      | Stormwater 2 <sup>nd</sup> & subsequent resubmittal (\$50) |
| <input type="checkbox"/>                                                             | Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250) | Document Recording (\$30)                                  |
| Summary of Request (Add separate sheet(s) as necessary)                              |                                                                                                |                                                            |
| Replat of property to modify existing non-access lines and existing access easments. |                                                                                                |                                                            |

| Engineer/Surveyor                                                                                                                                     |             |              | Property Owner or Applicant           |             |              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------|---------------------------------------|-------------|--------------|
| Name<br>Mark R. Isaacs, PLS / ILSE, Inc.                                                                                                              |             |              | Name<br>Central Dakota Humane Society |             |              |
| Address<br>4215 Old Red Trail NW                                                                                                                      |             |              | Address<br>2104 37th Street           |             |              |
| City<br>Mandan                                                                                                                                        | State<br>ND | Zip<br>58554 | City<br>Mandan                        | State<br>ND | Zip<br>58554 |
| email<br>mark@ilsurveynd.com                                                                                                                          |             |              | email<br>cjkemmet@bis.midco.net       |             |              |
| Phone<br>701-595-2079                                                                                                                                 |             | Fax          | Phone<br>701-425-6397                 |             | Fax          |
| If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request. |             |              |                                       |             |              |

| Location                           |                    |     | Type    |             |          | Existing Zone                           | Proposed Zone  | Project Name          |  |  |  |
|------------------------------------|--------------------|-----|---------|-------------|----------|-----------------------------------------|----------------|-----------------------|--|--|--|
| City                               | X                  | ETA | New     | X           | Addition | CB                                      | CB             | Longhorn 3rd Addition |  |  |  |
| Property Address                   |                    |     |         |             |          | Legal Description                       |                |                       |  |  |  |
| 2104 37th Street, Mandan, ND 58554 |                    |     |         |             |          | Lot 1, Block 1 in Longhorn 2nd Addition |                |                       |  |  |  |
| Current Use                        |                    |     |         |             |          |                                         |                |                       |  |  |  |
| Humane Society                     |                    |     |         |             |          |                                         |                |                       |  |  |  |
| Proposed Use                       |                    |     |         |             |          |                                         |                |                       |  |  |  |
| Same                               |                    |     |         |             |          | Section 10                              | Township 139 N | Range 81 W            |  |  |  |
| Parcel Size                        | Building Footprint |     | Stories | Building SF |          | Required Parking                        |                | Provided Parking      |  |  |  |
| 11.69 Ac.                          |                    |     |         |             |          |                                         |                |                       |  |  |  |

|                               |                              |                 |
|-------------------------------|------------------------------|-----------------|
| Print Name<br>Jerald C Kemmet | Signature<br>Jerald C Kemmet | Date<br>5/23/24 |
|-------------------------------|------------------------------|-----------------|

| Office Use Only                   |                           |                   |                |
|-----------------------------------|---------------------------|-------------------|----------------|
| Date Received:                    | Initials: <i>hm</i>       | Fees Paid: \$ 450 | Date 5-23-2024 |
| Notice in paper                   | Mailed to neighbors       | P&Z meeting       |                |
| <input type="checkbox"/> Approved | Approved with conditions: |                   |                |
| <input type="checkbox"/> Denied   |                           |                   |                |

LONGHORN 3RD ADDITION  
OF MORTON COUNTY, NORTH DAKOTA, LYING WITHIN THE EXTRA-  
TERRITORIAL JURISDICTION OF THE CITY OF MANDAN, NORTH DAKOTA  
LOT 1, BLOCK 1 IN LONGHORN 2ND ADDITION  
PART OF THE NE 1/4 OF SECTION 9, T139N, R81W  
PART OF THE NW 1/4 OF SECTION 10, T139N, R81W

PROPERTY DESCRIPTION

ALL OF LOT 1, BLOCK 1 IN LONGHORN 2ND ADDITION SITUATED IN THE NORTHEAST QUARTER OF SECTION 9 AND IN THE NORTHWEST QUARTER OF SECTION 10 ALL BEING IN TOWNSHIP 139 NORTH, RANGE 81 WEST IN MORTON COUNTY, NORTH DAKOTA, CONTAINING 11.69 ACRES, MORE OR LESS, AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREON, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE STREETS, ALLEYS, PARKS, AND PUBLIC GROUNDS AS SHOWN HEREON, INCLUDING ALL SEWERS, CULVERTS, BRIDGES, WATERLINES, SIDEWALKS, AND OTHER IMPROVEMENTS ON OR UNDER SUCH STREETS, ALLEYS OR OTHER PUBLIC GROUNDS, WHETHER SUCH IMPROVEMENTS ARE SHOWN HEREON OR NOT, TO PUBLIC USE FOREVER. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LANDS FOR WATER, SEWER, GAS, ELECTRICITY, TELEPHONE, OR OTHER PUBLIC UTILITY LINES OR SERVICES UNDER, ON OR OVER THESE CERTAIN STRIPS OF LAND DESIGNATION AS "UTILITY EASEMENT".

WE, DO HEREBY DEDICATE A 40 FOOT ACCESS EASEMENT FOR THE BENEFIT OF LOT 1, BLOCK 1 IN THIS PLAT AND LOT 2, BLOCK 1 IN LONGHORN 2ND ADDITION, WHICH WILL RUN WITH THE LANDS.

GERALD C. KEMMET  
CENTRAL DAKOTA HUMANE SOCIETY

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } SS

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

NOTARY PUBLIC \_\_\_\_\_

PLANNING COMMISSION APPROVAL

THE SUBDIVISION SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORINANCES OF THE CITY OF MANDAN, AND REGULATIONS ADOPTED BY THE PLANNING COMMISSION OF SAID CITY, IN WITNESS WHEREOF ARE SET THE HANDS OF THE CHAIRMAN AND THE SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF MANDAN, NORTH DAKOTA.

BILL ROBINSON - CHAIRMAN

NANCY MOSER - SECRETARY

APPROVAL OF THE BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREON, HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON, HAS ACCEPTED THE DEDICATION OF ALL PARKS AND PUBLIC GROUNDS SHOWN HEREON, FURTHERMORE, SAID BOARD OF CITY COMMISSIONERS HAS APPROVED THE STREETS, ALLEYS, AND OTHER PUBLIC WAYS AND GROUNDS SHOWN HEREON AS AN AMENDMENT TO THE MASTER STREET PLAN OF THE CITY OF MANDAN, THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, HAS TAKEN BY RESOLUTION APPROVED THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

JIM NEUBAUER - CITY ADMINISTRATOR

TIM HELBLING - PRESIDENT OF THE BOARD  
OF CITY COMMISSIONERS

I, JAREK WIGNESS, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA, HEREBY APPROVES "LONGHORN 3RD ADDITION" LYING WITHIN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JAREK WIGNESS, PE

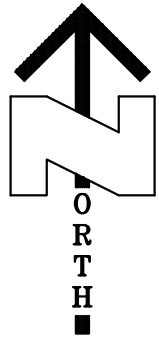
SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 9628, HEREBY CERTIFY THAT I HAVE CAUSED TO BE A SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT. FURTHER, THAT DISTANCE INDICATES HEREON ARE IN FEET AND HUNDREDTHS THEREOF, AND BEARINGS AND INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF; FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MARK R. ISAACS, RLS 9628

LEGEND

- FOUND SURVEY MONUMENT  
● SET 1/2" CAPPED REBAR "LS-9628"  
- - - - - NON-ACCESS LINE



SCALE: 1" = 60'  
0 30 60

DATE: MAY 24TH, 2024

VERTICAL DATUMN - NAVD 1988.

BASED ON NORTH DAKOTA SOUTH  
ZONE-NAD83, INTERNATIONAL FEET.

MEASUREMENTS HAVE BEEN ESTABLISHED  
BY RTK FROM THE "BSMK" CORRS STATION  
AND ARE REPORTED IN GRID.

AREA TABLE

|       |             |
|-------|-------------|
| LOT 1 | 11.69 ACRES |
| TOTAL | 11.69 ACRES |

OWNER:  
CENTRAL DAKOTA HUMANE SOCIETY  
2104 37TH STREET  
MANDAN, ND 58554

NOTES:

- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
- SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
- EXISTING ZONING IS CB RESTRICTED
- THE 40' ACCESS EASEMENT SHOWN HEREON IS FOR JOINT-USE, AND TO THE BENEFIT OF LOT 1, BLOCK 1 IN THIS PLAT AND LOT 2, BLOCK 1 IN LONGHORN 2ND ADDITION.

LONGHORN 3RD ADDITION  
LOT 1, BLOCK 1 IN  
LONGHORN 2ND ADDITION  
PART OF THE NW 1/4  
SECTION 10, T-139-N, R-81-W  
MORTON CO., NORTH DAKOTA

SHEET: 1 OF 1  
SCALE: 1"= 60'  
DRAWN BY: MRI  
DWG DATE: 5/24/24  
DWG NAME: 21034 Final Plat.dwg

JOB NUMBER: 21034

DWG REVISION DATES

DATE DESCRIPTION

DATE DESCRIPTION

DATE DESCRIPTION

Independent  
Land  
Surveying &  
Engineering

4215 Old Red Trail NW  
Mandan, ND 58554  
Phone: 701-663-5184  
Cell: 701-595-2079  
mark@ilsurveynd.com

## Property Images



View looking south towards property



View looking east towards property



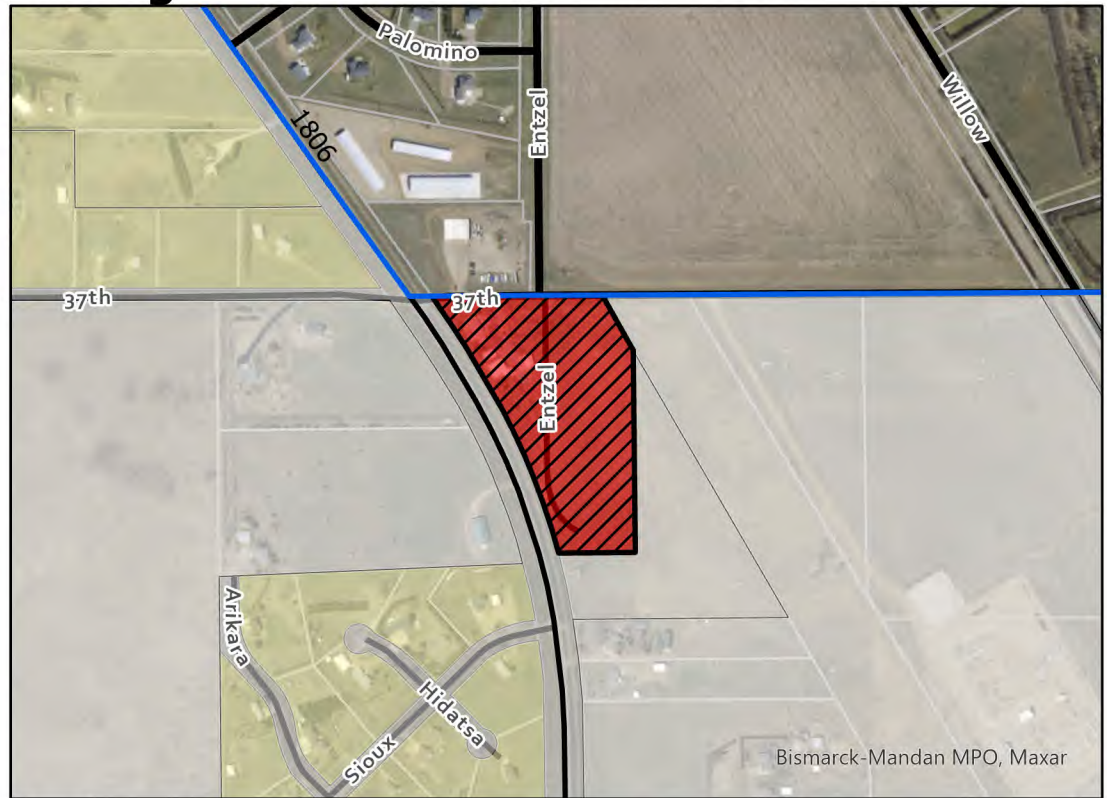
# Zoning and Future Land Use Reference Map

Longhorn 3rd Addition

## Zoning

### Zoning Map Key

- |                                                   |                                                   |
|---------------------------------------------------|---------------------------------------------------|
| Agriculture - City of Mandan                      | MD - Heavy Commercial/Heavy Industrial Restricted |
| Agriculture - Morton County                       | MHS - Trailer Park                                |
| CA - Neighborhood Commercial                      | PUD - Planned Unit Development                    |
| CB - Business Commercial                          | R3.2 - Residential Single & Two Family            |
| CC - Commercial/Light Industrial Transition       | R7 - Residential Single Family                    |
| DC - Downtown Core                                | RH - Residential Mobile Home Park                 |
| DF - Downtown Fringe                              | RM - Residential Multi-family Dwellings           |
| Industrial - Morton County                        | RMH - Residential Mobile Home Subdivision         |
| LSMHS - Trailer Park Subdivision                  | Residential - County Residential Zoning           |
| MA - Heavy Commercial/Light Industrial            | ROW - Right-of-Way                                |
| MB - Heavy Commercial/Heavy Industrial            | Parcels                                           |
| MC - Heavy Commercial/Light Industrial Restricted | ETA Line                                          |
| City Limits                                       | May '24 Planning Items                            |



### Future Land Use Plan Key

- |                            |
|----------------------------|
| Rural Residential          |
| Low Density Residential    |
| Medium Density Residential |
| High Density Residential   |
| Commercial                 |
| Industrial                 |
| Public/Semi-Public         |
| Public Land                |
| Park                       |
| Greenways                  |
| Open Space                 |
| Open Water                 |
| Parcels                    |
| City Limits                |
| ETA Line                   |
| May '24 Planning Items     |

## Future Land Use Plan





## Planning & Zoning Commission

### Agenda Documentation

**MEETING DATE:** June 24, 2024  
**PREPARATION DATE:** June 19, 2024  
**SUBMITTING DEPARTMENT:** Planning  
**DEPARTMENT DIRECTOR:** Andrew Stromme  
**PRESENTER:** Andrew Stromme, City Planner  
**SUBJECT:** Consider Update and Discussion on Zoning Study - Chapter 109 + Landscaping

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#### **STATEMENT/PURPOSE:**

Consider Update and Discussion on Zoning Study - Chapter 109 + Landscaping

#### **BACKGROUND/ALTERNATIVES:**

The City's Zoning Rewrite Study is ongoing, and the project team is presenting these updates to the Planning and Zoning Commission concerning Chapter 109 and Landscaping. Chapter 109 outlines various definitions and standards that the City applies to new land development activities. This includes topics such as access management, specific lot sizes, design standards for roads and other transportation-related requirements in new developments, and open space dedication. Given Landscaping was one of the areas of emphasis for the project, it has been broken out into an issue-specific item that will likely be housed in Chapter 105 somewhere.

#### **Updates and Additions to Definitions**

- **New Definition:** Right-of-way
- **Expanded Definitions:**
  - Arterial Streets (including Principal and Secondary classifications to align with industry terminology)
  - Subdivision
- **Revised Definitions:**
  - Comprehensive Plan
  - Corner Lot
  - Easement

- Minor Subdivision

### **Adjustments to Platting Processes**

- **Minor Plats:**
  - Recommend administrative approval of minor plats to expedite the process.
  - Shift towards digital submissions over physical ones for efficiency.
  - Consider issuing a high-level service letter to new development areas detailing available services and potential requirements, aiming for transparency regarding upfront development costs.
- **Public Hearings:**
  - Proposal to eliminate one preliminary plat public hearing (subject to legal review) to streamline the development process. Specifically, the City Commission hearing would be removed, while the Planning and Zoning Commission would continue to hold public hearings for both preliminary and final plats.

### **Updated Design Standards for New Plats**

- **Access Management:**
  - Introduction of a table recommending spacing between intersections on Principal Arterial, Minor Arterial, and Collector roads to align with industry standards and promote better community planning.
- **Screening Standards:**
  - Relocation of screening standards to a new landscaping ordinance, to be addressed at the site-plan level rather than during platting.
- **Rural Lot Sizes:**
  - Adjustments to rural lot sizes for areas with on-site utilities, mirroring standards supported by Western Plains Public Health and employed by Morton County.
- **Block Lengths:**
  - Reduction of maximum block lengths from 1,320 feet to 700 feet to enhance walkability, with a requirement for mid-block sidewalks in specified locations.
- **Lot Access on Arterials:**
  - Drastic consolidation of lot access to arterials, removing the option for multiple direct driveway accesses in residential developments. Private alleyways could be developed to maintain access while adhering to new conditions.
- **City Street Widths:**
  - New width standards for city streets based on functional classification, influencing rights-of-way and future street designs. The current requirement of 66 to 80 feet may be adjusted to be either lesser or greater, depending on the context. This aims to reduce construction costs, curb traffic speeding, and lower maintenance costs by ensuring

streets are appropriately sized and contextually based.

- **Easements:**

- Deliberate adjustments to specified easement widths. What would become an ordinance requirement is already employed by the City and has been deemed acceptable on most recent projects.

- **Sidewalks:**

- Specifications for minimum sidewalk widths based on context proposed.

- **Parks and Open Space:**

- Recommendation to switch from a building permit fee to a percentage of land to be dedicated for parks, playgrounds, and open space. Recommendations are context-based:
  - Residential density of 10+ units/acre = 7% of gross land area
  - Less than 10 units/acre = 5% of gross land area
  - Commercial/Industrial = 5% of gross land area
- Land that is undevelopable or otherwise considered unsuitable would not be able to be dedicated to satisfy this purpose.
- The park board will determine where parks are required/accepted and where a fee may be acceptable.
- The fee would be paid by the developer (currently the resident seeking to build a home pays a fee to the City), placing the responsibility for new developments to have parks on the larger entity coordinating the broader development. This is more common and appropriate.
- Potential for a fee to be collected equal to the fair market value of the percentage of land required by ordinance to be dedicated at the time of subdivision, with the value set by the County. Developers may submit their own appraisal. Funds collected would be used for the acquisition of land for parks, playgrounds, and open space only.

## **New Landscaping Standards**

- **General Landscaping:**

- New landscaping standards will be implemented to better match landscaping requirements to the most appealing and community-benefiting locations. This includes an overall increase in the amount of required landscaping. Current regulations are opaque and lackluster.

- **Building Foundation Landscaping:**

- Recommendations will be made for building foundation landscaping, particularly for larger buildings. This aims to enhance the visual appeal and integration of structures within their surroundings.

- **Parking Lot Landscaping:**

- **Interior Parking Lot Landscaping Islands:** Larger parking lots will be required to include interior landscaping islands to improve aesthetics and environmental benefits.
- **Perimeter Parking Lot Landscaping:** All parking lots, regardless of size, will need perimeter landscaping to create a more pleasant and green environment.

- **Screening Standards:**

- New screening standards are suggested, including tiered recommendations.

**📄 Residential Lot Requirements**

- A new requirement will be introduced for every new residential development to have:
  - A tree every 50-65 feet in the boulevard
  - A tree on the lot

**ATTACHMENTS:**

None

**FISCAL IMPACT:**

N/a

**STAFF IMPACT:**

A considerable amount of City Staff time has gone into this project.

**LEGAL REVIEW:**

**RECOMMENDATION:**

Staff recommends considering this update and holding discussion on the topic.

**SUGGESTED MOTION:**